

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

ABREHAM ZEMEDAGEGEHU,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:15cv57 (JCC/TRJ)
	)	
ARLINGTON COUNTY BOARD,	)	
<u>et al.</u> ,	)	
	)	
Defendants.	)	

**O R D E R**

On January 15, 2015 Plaintiff Abreham Zemedagegehu ("Plaintiff") filed a complaint alleging, inter alia, violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. (Compl. [Dkt. 1] at 2.) On February 5, 2015, Defendants Arlington County Board, Arlington County Sherriff's Office, and Arlington County Detention Facility ("Defendants") filed a Motion to Dismiss for Failure to State a Claim, [Dkt. 10], with a corresponding Memorandum in Support, [Dkt. 11].

Fourteen days after the Motion to Dismiss was filed, on February 19, 2015, Plaintiff filed an Amended Complaint. [Dkt. 21.] In the Amended Complaint, Plaintiff now names the following Defendants: Arlington County Sheriff Elizabeth F. Arthur, in her official capacity, the Virginia Department of

Corrections, the Virginia Department of Corrections Director Harold W. Clarke, in his official capacity, the Virginia Board of Corrections, and the Virginia Board of Corrections Chairman Carl R. Peed, in his official capacity. (Am. Compl. [Dkt. 21] at 1.) The same day, Plaintiff also filed a brief in opposition to the Motion to Dismiss. [Dkt. 22.]

Rule 15(a) of the Federal Rules of Civil Procedure provides, in relevant part:

A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Fed. R. Civ. P. 15(a)(1). Upon satisfaction of the above conditions, the "plaintiff's right to amend once is absolute." Scinto v. Stansberry, 507 F. App'x 311, 312 (4th Cir. 2013).

In this case, Plaintiff filed an amended complaint fourteen days after receiving Defendants' Motion to Dismiss under 12(b)(6). Accordingly, Plaintiffs' amended pleading is now properly before the Court. See Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (finding plaintiff's amended complaint the operative pleading given it was filed within the time period provided under Rule 15(a)).

It is well settled that an amended pleading supersedes the original, and motions directed at superseded pleadings must be denied as moot. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("[A]n amended pleading supersedes the original pleading, rendering the original pleading of no effect."); Synovus Bank v. Karp, No. 1:10cv172, 2010 WL 4623851, at \*1 (W.D.N.C. Nov. 3, 2010) (denying as moot motion to dismiss on grounds that defendant's amended pleading superseded the original).

Accordingly, it is hereby ORDERED that:

(1) Defendants' Motion to Dismiss for Failure to State a Claim [Dkt. 10] is DENIED AS MOOT;

(2) The Clerk of Court is directed to terminate the following previously-named Defendants who are no longer named in the Amended Complaint:

- a. Arlington County Board;
- b. Arlington County Sheriff's Office;
- c. Arlington County Detention Facility;

(3) The Clerk of Court is directed to add the following newly-named Defendants who are named for the first time in the Amended Complaint:

- a. Arlington County Sheriff Elizabeth F. Arthur,  
in her official capacity;
- b. Virginia Department of Corrections;

c. Virginia Department of Corrections Director

Harold W. Clarke, in his official capacity;

d. Virginia Board of Corrections;

e. Virginia Board of Corrections Chairman Carl R.

Peed, in his official capacity; and

(4) The Clerk of Court is directed to remove the hearing currently scheduled for March 12, 2015 from the Court's docket and shall forward copies of this Order to all counsel of record.

It is SO ORDERED.

February 24, 2015  
Alexandria, Virginia

/s/  
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James C. Cacheris  
UNITED STATES DISTRICT COURT JUDGE